

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DEONDRE RAGLIN,

Plaintiff,

v.

LICHUAN PAN, AS TRUSTEE OF THE PAN  
REVOCABLE TRUST; and DOES 1 to 10,

Defendants.

Case No.: 2:23-cv-02551-MEMF(Ex)

**ORDER TO SHOW CAUSE WHY THE  
COURT SHOULD NOT DECLINE TO  
EXERCISE SUPPLEMENTAL  
JURISDICTION OVER PLAINTIFF'S  
STATE LAW CLAIMS**

On April 5, 2023, Plaintiff Deondre Raglin Park filed a Complaint against Defendant Lichuan Pan, as trustee of the Pan revocable trust, asserting: (1) a claim for injunctive relief arising out of an alleged violation of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12010–12213; (2) a claim for damages pursuant to California's Unruh Civil Rights Act ("Unruh Act"), CAL. CIV. CODE §§ 51–52, *et seq.*; (3) a claim for damages pursuant to the California Disabled Persons Act, CAL. CIV. CODE §§ 54, *et seq.*; (4) a claim for damages and injunctive relief pursuant to the CAL. BUS. & PROF. CODE § 17200, *et seq.*; and (5) a claim for negligence. ECF No. 1. The Complaint alleges that this Court has jurisdiction over the ADA claim pursuant to 28 U.S.C. §§ 1331

1 and 1343, and that the state law claims are brought “pursuant to pendant [sic] jurisdiction.” *Id.* at ¶¶  
 2 1–2.

3 Principles of pendent jurisdiction have been codified in the supplemental jurisdiction statute,  
 4 28 U.S.C. § 1367. The supplemental jurisdiction statute “reflects the understanding that, when  
 5 deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in  
 6 each case, and *at every stage of the litigation*, the values of judicial economy, convenience, fairness,  
 7 and comity.’” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997) (emphasis added)  
 8 (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)).

9 California law sets forth a heightened pleading standard for a limited group of lawsuits  
 10 brought under the Unruh Act. *See* CAL. CIV. PROC. CODE §§ 425.55(a)(2) & (3). The stricter  
 11 pleading standard requires certain plaintiffs bringing construction-access claims like the one in the  
 12 instant case to file a verified complaint alleging specific facts concerning the plaintiff’s claim,  
 13 including the specific barriers encountered or how the plaintiff was deterred and each date on which  
 14 the plaintiff encountered each barrier or was deterred. *See* CAL. CIV. PROC. CODE § 425.50(a). A  
 15 “high-frequency litigant fee” is also imposed on certain plaintiffs and law firms bringing these  
 16 claims. *See* CAL. GOV’T CODE § 70616.5. A “high-frequency litigant” is “a plaintiff who has filed 10  
 17 or more complaints alleging a construction-related accessibility violation within the 12-month period  
 18 immediately preceding the filing of the current complaint alleging a construction-related  
 19 accessibility violation” *and* “an attorney who has represented as attorney of record 10 or more high-  
 20 frequency litigant plaintiffs in actions that were resolved within the 12-month period immediately  
 21 preceding the filing of the current complaint alleging a construction-related accessibility violation.”  
 22 CAL. CIV. PROC. CODE §§ 425.55(b)(1) & (2). High frequency litigants are also required to state: (1)  
 23 whether the complaint is filed by, or on behalf of, a high-frequency litigant; (2) in the case of a high-  
 24 frequency litigant who is a plaintiff, the number of complaints alleging construction-related  
 25 accessibility claim filed by the high-frequency litigant during the 12 months prior to filing the instant  
 26 complaint; (3) the reason the individual was in the geographic area of the defendant’s business; and  
 27 (4) the reason why the individual desired to access the defendant’s business.” *See id.* §  
 28 425.50(a)(4)(A).

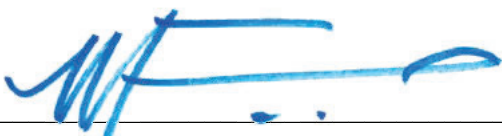
1 In light of the foregoing, the Court orders Plaintiff to show cause in writing why the Court  
2 should exercise supplemental jurisdiction over the Unruh Act claim, the California Disabled Persons  
3 Act claim, the California Business and Professional Code claim, and the negligence claim. *See* 28  
4 U.S.C. § 1367(c). In responding to this Order to Show Cause:

- 5 1. Plaintiff shall identify the amount of statutory damages Plaintiff seeks to recover.
- 6 2. Plaintiff and Plaintiff's counsel shall also support their responses to the Order to Show Cause  
7 with declarations, signed under penalty of perjury, providing all facts necessary for the Court  
8 to determine if they satisfy the definition of a "high-frequency litigant" as provided by  
9 California Code of Civil Procedure §§ 425.55(b)(1) & (2). This includes, but is not limited  
10 to:
  - 11 a. the number of construction-related accessibility claims filed by Plaintiff in the twelve  
12 months preceding the filing of the present claim; and
  - 13 b. the number of construction-related accessibility claims in which Plaintiff's counsel  
14 has represented high-frequency litigant plaintiffs in the twelve months preceding the  
15 filing of the present claim.

16 Plaintiff shall file a Response to this Order to Show Cause by no later than fourteen days  
17 from the date of this order. The failure to timely or adequately respond to this Order to Show Cause  
18 may, without further warning, result in the Court declining to exercise supplemental jurisdiction over  
19 the Unruh Act claim, the California Disabled Persons Act claim, the California Business and  
20 Professional Code claim, and the negligence claim pursuant to 28 U.S.C. § 1367(c).

21  
22 **IT IS SO ORDERED.**

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25 Dated: May 18, 2023

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MAAME EWUSI-MENSAH FRIMPONG  
United States District Judge